

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, larvae, and cast skins.

DISPOSITION: January 14, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

10880. Adulteration of ground, dried red peppers. U. S. v. 298 Barrels * * *. (F. D. C. No. 18504. Sample No. 16145-H.)

LIBEL FILED: December 20, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 4, 1945, by Young and Patterson, from Timmons ville, S. C.

PRODUCT: 298 barrels, each containing 100 pounds, of ground, dried red peppers at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy peppers.

DISPOSITION: September 19, 1946. Young and Patterson, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into pepper oil, under the supervision of the Federal Security Agency.

10881. Adulteration of poppy seed. U. S. v. 1 Bag * * *. (F. D. C. No. 18350. Sample No. 7304-H.)

LIBEL FILED: On or about November 9, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about June 21, 1945, by A. Gronowitz, Inc., from New York, N. Y.

PRODUCT: 1 bag containing approximately 135 pounds of poppy seed at Elizabeth, N. J. Examination showed that the product was white poppy seeds artificially colored with logwood. The artificially colored white poppy seeds simulated in appearance blue-colored poppy seeds, which have a greater commercial value.

LABEL, IN PART: (Bag) "British India Poppy Seed Artificially Colored with Vegetable Extract."

NATURE OF CHARGE: Adulteration, Section 402 (b) (3), inferiority had been concealed by the addition of logwood, an artificial color; and, Section 402 (b) (4), logwood had been added to the article so as to make it appear better or of greater value than it was.

DISPOSITION: December 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10882. Adulteration and misbranding of Sicilia Flavor and Green Leaf Shade and Grassos coal-tar colors. U. S. v. 1 5-gallon Can, etc. (and 4 other seizure actions). (F. D. C. Nos. 14870, 14882, 15056, 15095, 15098. Sample Nos. 20383-F, 63822-F, 87139-F, 88095-F, 88096-F, 88563-F.)

LIBELS FILED: Between the dates of December 26, 1944, and January 31, 1945, District of Massachusetts, Eastern District of Michigan, Southern District of Florida, and District of Rhode Island.

ALLEGED SHIPMENT: Between the approximate dates of April 22 and December 4, 1944, by David Kleckner and Sons, Inc., from Ozone Park, Long Island, N. Y.

PRODUCT: 7 gallons of Sicilia Flavor and 5 gallons of Green Leaf Shade color at Boston, Mass.; 4 gallons of Green Leaf Shade color at Detroit, Mich.; 1 pound of Grassos color at Tampa, Fla.; and 22 pounds of Green Leaf Shade color at Providence, R. I. These products were coal-tar colors and flavors containing coal-tar colors. With the exception of the "Tipo Grassos," they contained Butter Yellow (Colour Index No. 19), an uncertifiable dye, and D&C Green No. 6, a coal-tar color which cannot be certified for use in foods. The "Tipo Grassos" contained a coal-tar color made by combining aniline with resorcinol, pyrogallol, or hydroquinone. No such color is certifiable under the provisions of the law.

LABEL, IN PART: "Tipo Sicilia Flavor," "Kleckner's Kolor Green Leaf Shade," "Kleckner's Sicilia Ollo Flavor," "Kleckner Olo Green Leaf Shade," or "Kleckner's Tipo Grassos."

NATURE OF CHARGE: Adulteration, Section 402 (c), the articles bore and contained a coal-tar color or colors which have not been listed for use in foods and were other than those certified in accordance with the regulations.

Misbranding, Section 403 (i), the Green Leaf Shade colors were fabricated from 2 or more ingredients, and the labels failed to bear the common or usual name of each ingredient; and, Section 403 (k), the flavors bore and contained artificial flavoring and artificial coloring, and the labeling failed to reveal that fact.

DISPOSITION: On April 11, 1945, the United States district court for the District of Massachusetts ordered that the cases be consolidated and removed to the United States district court for the Southern District of New York. David Kleckner & Sons, Inc., claimant, having withdrawn the answers filed in each of the proceedings and having consented to the entry of a decree on January 14, 1947, judgment of condemnation was entered and the products were ordered destroyed, with the exception of the seizure action against one bottle of Tipo Grassos, in which case, owing to the destruction of the article itself, the proceeding was dismissed without costs.

MISCELLANEOUS FOODS*

10883. Adulteration and misbranding of coal-tar colors. U. S. v. Marion K. Summers (Marion-Kay Products Co.). Plea of nolo contendere. Imposition of sentence suspended; defendant placed on probation for 1 year. (F. D. C. No. 17874. Sample No. 13221-H.)

INFORMATION FILED: June 12, 1946, Eastern District of Missouri, against Marion K. Summers, trading as the Marion-Kay Products Co., St. Louis, Mo.

ALLEGED SHIPMENT: On or about January 25, 1945, from the State of Missouri into the State of Ohio.

LABEL, IN PART: "Marion Kay Products Company * * * Green [or "Yellow," or "Red"] Food Coloring."

NATURE OF CHARGE: Adulteration, Section 402 (c), the articles contained coal-tar colors other than ones from batches that had been certified in accordance with the regulations.

Misbranding, Section 403 (a), the label statements "Certified Food Colors" and "Certified by the U. S. Food and Drug Administration" were false and misleading since they represented and suggested that the articles consisted of coal-tar colors from batches that had been certified in accordance with the regulations, whereas the articles consisted of coal-tar colors other than ones from batches that had been so certified.

DISPOSITION: September 19, 1946. A plea of nolo contendere having been entered, the court suspended the imposition of sentence and placed the defendant on probation for 1 year.

10884. Adulteration and misbranding of Saframol (food color). U. S. v. 16 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 15118, 15311. Sample Nos. 63819-F, 103-H.)

LIBELS FILED: On or about February 3 and March 1, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 31 and November 2, 1944, by David Kleckner and Sons, Inc., from Ozone Park, Long Island, N. Y.

PRODUCT: 16 cartons and 10 boxes, each containing 100 envelopes, of Saframol food color at Tampa, Fla. Analysis showed that this product did not contain saffron, but that it contained sodium bicarbonate and coal-tar colors such as FD&C Yellow No. 5 and FD&C Orange No. 1. One lot of the product contained annatto.

LABEL, IN PART: "Pure Spanish Saffron * * * Kleckner's Saframol Improves Your Food For * * * Color."

NATURE OF CHARGE: Adulteration, Section 402 (c), the article bore and contained coal-tar colors other than those from batches certified in accordance with the regulations.

*See also Nos. 10720, 10882.